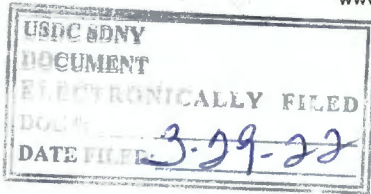


SULLIVAN & CROMWELL LLP

TELEPHONE: 1-310-712-6600
FACSIMILE: 1-310-712-8800
WWW.SULLCROM.COM



1888 Century Park East
Los Angeles, California 90067-1725

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March 25, 2022

Via ECF

The Honorable Lewis A. Kaplan,
United States District Court for the Southern District of New York,
500 Pearl Street,
New York, NY 10007.

Re: *Cervecería Modelo de México, S. de R.L. de C.V. v. CB Brand Strategies, LLC, et al.*, No. 1:21-CV-01317-LAK (S.D.N.Y.)

Your Honor:

I write on behalf of Plaintiffs *Cervecería Modelo de México, S. de R.L. de C.V.* and Trademarks Grupo Modelo, S. de R.L. de C.V. ("Modelo"), pursuant to Federal Rule of Civil Procedure 5.2(d), Paragraphs 5.1 and 6.2 of the Stipulated Protective Order and Confidentiality Stipulation ("Protective Order," ECF No. 47), and Your Honor's Individual Rules of Practice to request leave to file under seal:

- 1) Modelo's Opposition to Defendants' Motion to Compel ("Opposition"); and
- 2) Exhibits A, E, and F attached to the Memorandum.

Under the Protective Order, the parties may designate certain documents as "Confidential" or "Highly Confidential" and restrict their dissemination and disclosure. (See ECF No. 47, ¶¶ 1.1, 1.2.) If a court filing contains, paraphrases, summarizes, or otherwise discloses "Confidential" or "Highly Confidential" material, it must be filed under seal. (*Id.* ¶ 5.1.)¹

¹ "Any court filing containing, paraphrasing, summarizing, or otherwise disclosing Confidential or Highly Confidential Material must be filed under seal in compliance with the Local Rules of the United States Court for the Southern District of New York and Rules 1 and 2 (pp. 4-5) of Judge Kaplan's Individual Rules." (ECF No. 47, ¶ 5.1.)

The Honorable Lewis A. Kaplan

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Modelo has designated Exhibit E “Highly Confidential” (because it relies on and quotes from materials Defendants designated as Highly Confidential) and Defendants have also designated Exhibits A and F “Highly Confidential” pursuant to the Protective Order. Modelo’s Opposition references and quotes directly from Exhibits A, E, and F. (Modelo takes no position on Defendants’ confidentiality designations at this time and therefore seeks to file these documents under seal in accordance with Paragraph 5.1 of the Protective Order.)

For the foregoing reasons, Modelo respectfully requests that its motion for leave to file the Opposition and Exhibits A, E, and F under seal in their entirety be granted. In accordance with Section 6.2 of the Protective Order,² Modelo will file the Opposition and Exhibits A, E, and F in redacted form until the Court rules on this motion.

Respectfully,

/s/ Michael H. Steinberg

Michael H. Steinberg

(Enclosures)

cc: *All counsel* (via ECF)

SO ORDERED

Granted
LEWIS A. KAPLAN, USDJ

² “A Receiving Party who seeks to file with the Court any Discovery Material which has previously been designated as comprising or containing Confidential Material or Highly Confidential Material, or any pleading, brief or memorandum which reproduces, paraphrases, or discloses Confidential Material or Highly Confidential Material shall file the document, pleading, brief or memorandum on the CM/ECF system in redacted form until the Court renders a decision on any motion to seal.” (ECF No. 47, ¶ 6.2.)